

## NATURAL RESOURCE COMMISSION[571]

### Notice of Intended Action

#### **Proposing rule making related to virtual fishing tournaments and providing an opportunity for public comment**

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 44, “Special Events and Fireworks Displays,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 455A.5(6), 462A.16 and 481A.39.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 455A.5(6), 462A.16 and 481A.39.

#### *Purpose and Summary*

This proposed rule making would expand the existing definition of “fishing tournament” found in rule 571—44.2(321G,321I,461A,462A,481A) by adding language to include virtual fishing tournaments, also known as “catch-photo-release” tournaments. Virtual fishing tournaments are increasing in popularity; however, there is no allowance for these events within the current rules. The proposed amendments are necessary because Iowa Code section 462A.16 requires that all tournaments be authorized by the Commission.

The proposed rule making also adds definitions of “aggregated virtual fishing tournament” and “distributed virtual fishing tournament.” An aggregated virtual tournament is similar to a traditional fishing tournament in which participants gather at one location to fish, except that it does not have a weigh-in at the end of the day because all fish are immediately measured, photographed, and released. A distributed virtual tournament, usually organized as an online contest, occurs on multiple bodies of water and can last for weeks or months. This type of tournament has a minimal impact on natural resources and fish populations, and the Commission wishes to encourage the growth of these events in Iowa. The proposed rule making allows distributed virtual tournaments to occur at more than one location and last longer than the currently established nine-day period for a single special event. In addition, the proposed amendments exempt both types of virtual fishing tournaments from paying the special event permit application fee.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

#### *Waivers*

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4 p.m. on March 5, 2020. Comments should be directed to:

Joe Larscheid  
Iowa Department of Natural Resources  
Wallace State Office Building  
502 East Ninth Street  
Des Moines, Iowa 50319  
Fax: 515.725.8201  
Email: [fisheries@dnr.iowa.gov](mailto:fisheries@dnr.iowa.gov)

### *Public Hearing*

Five public hearings at which persons may present their views orally or in writing will be held as follows:

March 5, 2020 12 noon to 2 p.m.	Wallace State Office Building Conference Room 4 East Des Moines, Iowa
March 5, 2020 12 noon to 2 p.m.	Spirit Lake Hatchery Conference Room 122 252nd Avenue Spirit Lake, Iowa
March 5, 2020 12 noon to 2 p.m.	Cold Springs District Office Conference Room 57744 Lewis Road Lewis, Iowa
March 5, 2020 12 noon to 2 p.m.	Lake Darling District Office Conference Room 110 Lake Darling Road Brighton, Iowa
March 5, 2020 12 noon to 2 p.m.	Manchester Hatchery Conference Room 22693 205th Avenue Manchester, Iowa

Persons who wish to make oral comments at a public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **571—44.2(321G,321I,461A,462A,481A)**, definition of “Fishing tournament,” as follows:

“*Fishing tournament*” means any organized fishing event, except for department-sponsored fishing events held for educational purposes, involving any of the following: (1) six or more boats or 12 or more participants, except for waters of the Mississippi River, where the number of boats shall be 20 or more and the number of participants shall be 40 or more; (2) an entry fee is charged; or (3) prizes or other inducements are awarded. Additionally, a “virtual fishing tournament,” also known as a “catch-photo-release” tournament, is a fishing tournament where fish are not possessed (i.e., not placed in a live well) by the angler but instead are photographed and released upon catching. An “aggregated virtual fishing tournament” occurs when all participants are present on one body of water simultaneously. A “distributed virtual fishing tournament” occurs when participants are present on two or more bodies of water. Additionally, only five or fewer participants may be present on any one body of water simultaneously, and the tournament may occur over an extended time frame. For purposes of this chapter, “fishing tournament” is included in the definition of “special event” unless otherwise specified.

ITEM 2. Amend subrule 44.5(4) as follows:

**44.5(4)** One application form may be submitted for all events of the same type being held at the same location within a nine-day period and will be processed as a single application. A distributed virtual fishing tournament may extend beyond the nine-day period and need not be at a single location.

ITEM 3. Amend rule 571—44.8(321G,321I,461A,462A,481A) as follows:

**571—44.8(321G,321I,461A,462A,481A) Fees and exceptions.** The administrative fee for processing each special event application is \$25. In the case of field and retriever meets and trials, the fee for processing each special event application is \$2. The fees are nonrefundable.

The department shall waive the administrative fee for processing special event applications for sailing schools; accredited postsecondary institutions and programs; private and public primary and secondary schools; all department-approved watercraft education courses, ATV education courses, and snowmobile education courses; fishing clinics; friends groups; ~~and~~ department-sponsored youth fishing days; and virtual fishing tournaments.